
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:19-cv-00066-JLS-AGR

Date: January 25, 2019

Title: Peter Strojnik Sr. v. Singpoli Group, LLC

Present: **HONORABLE JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Terry Guerrero
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE (“OSC”)
REGARDING SERVICE OF ADA NOTICE**

On January 8, 2019, the Court issued a Notice to Parties: ADA Disability Access Litigation that ordered Plaintiff to serve three documents on the defendants(s) within a specified time period. (*See Doc. 7*). The Court also ordered Plaintiff to file a proof of service indicating that the Notice to Parties, the Application to Stay, and the [Proposed] Order Granting Application to Stay (collectively, the “ADA packet”) were served on Plaintiff. (*Id.*) The deadline for service and the filing of proof of service has passed, and Plaintiff has failed to comply with the Court’s Order to file proof of service of these documents.

Unless excused, failure to obey the Court’s Order requiring service of the ADA packet will result in dismissal pursuant to Federal Rule of Civil Procedure 41(b). Rule 41(b) authorizes dismissal of an action where “the plaintiff fails to prosecute or to comply with these rules or a court order.” *Id.* Although the language of Rule 41(b) contemplates dismissal upon motion by the defendant, the Court’s inherent power allows it to dismiss *sua sponte* under Rule 41(b). *See Link v. Wabash Railroad Co.*, 370 U.S. 626, 629-31 (1962); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005).

Accordingly, the Court ORDERS as follows:

- (1) Within ten days of the entry of this Order, Plaintiff shall serve on Defendants the ADA packet referenced above.

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(2) Within ten days of the entry of this Order, Plaintiff shall file the required proof of service referenced above.

(3) Within ten days of the entry of this Order, Plaintiff shall file a separate response to this OSC, setting forth the reason(s) for the failure to comply with the Court's Order.

Failure to comply with any of the Orders enumerated above will result in dismissal of the present action pursuant to Rule 41(b).

Repeated failures to comply with this Court's Orders, may result in dismissal of an action with prejudice, imposition of monetary sanctions, and/or a finding of civil contempt.

IT IS SO ORDERED.

Initials of Preparer: tg